

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DAVID SOTO,)	
)	
)	No.
Plaintiff,)	
)	
vs.)	
)	
CITY OF CHICAGO, a municipal corporation,)	Jury Trial Demanded
Chicago Police Officers David Salgado, Star No.)	
16347, Rocco Pruger, Star No. 15445,)	
Benjamin Martinez, Star No. 14519,)	
Richard Mostowski, Star No. 12898, and)	
Xavier Elizondo, Star No. 1340,)	
)	
Defendants.)	

NOTICE OF REMOVAL

NOW COME Defendants, City of Chicago (“City”), through its undersigned counsel; Officer David Salgado, through his undersigned counsel; Officer Xavier Elizondo, through his undersigned counsel; Richard Mostowski, through his undersigned counsel; and Rocco Pruger and Benjamin Martinez, through their undersigned counsel (collectively, “Defendants”), and respectfully request removal of the above entitled action to this Court, pursuant to 28 U.S.C. § 1441(a) and § 1446 (a), based on the following grounds:

1. On March 3, 2020, Defendants were named as defendants in a civil action filed in the Circuit Court of Cook County of the State of Illinois, entitled *David Soto v. City of Chicago, a municipal corporation, Chicago Police Officers David Salgado, Star No. 16347, Rocco Pruger, Star No. 15445, Benjamin Martinez, Star No. 14519, Richard Mostowski, Star No. 12898, and Xavier Elizondo, Star No. 1340*, 2020L002643.

2. The Complaint (attached hereto as Exhibit 1) arises from an alleged warrantless search that occurred on April 16, 2017, (Ex. 1 ¶ 12), which resulted in criminal charges dismissed on March 1, 2018.

3. The Complaint explicitly references 42 U.S.C. §1983, (Ex. 1 ¶ 25), and asserts claims under the United States Constitution.

4. Specifically, the Complaint alleges a Fourth Amendment claim for unreasonable search and seizure (Ex. 1, Count I). In addition, the Complaint attempts to assert a constitutional claim for “unlawful detention.” (Ex. 1, Count IV).

5. Based on the allegations of the Complaint and for the reasons set forth above, Defendants are entitled to remove this action to this Court, pursuant to 28 U.S.C. § 1441(a).

6. Pursuant to 28 U.S.C. § 1446(a), Defendants represent that no orders have yet been served upon them in the Circuit Court of Cook County, Illinois.

Therefore, Defendants City of Chicago, through its undersigned counsel; Officer David Salgado, through his undersigned counsel; Officer Xavier Elizondo, through his undersigned counsel; Richard Mostowski, through his undersigned counsel; and Rocco Pruger and Benjamin Martinez respectfully request that the above-entitled action now pending in the Circuit Court of Cook County in the State of Illinois be removed to this Court.

Respectfully Submitted,

/s/ Shneur Nathan (Att. # 6294495)

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CERTIFICATE OF SERVICE

I, Shneur Nathan, an attorney, hereby certify that on the date stamped on the top margin of this document, I filed the attached Notice of Removal with the Court's CM/ECF system and sent a copy of the same via email and U.S. Mail to the following individual:

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